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In re Application of:
KOCHI, Toshifumi, et al. : COMMUNICATION
U.S. Application No.: 10/561,614 :
PCT No.: PCT/JP2004/009713 :
Int'l Filing Date: 08 July 2004 :
Priority Date: 10 July 2003 :
Atty Docket No.: 107348-00547 :
For: ENGINE-DRIVEN GENERATOR :

In a decision mailed by this Office on 07 December 2007, applicants' previous petition under 37 CFR 1.47(a) was dismissed as moot based on applicants' submission of a declaration executed by the previously non-signing inventor Toshifumi KOCHI. However, the decision found that the declaration executed by Toshifumi KOCHI was defective for failure to name all the inventors of record. Accordingly, the decision required submission of a revised declaration executed by Toshifumi KOCHI that satisfies the requirements of 37 CFR 1.497.

On 20 December 2007, applicants filed a response to the 07 December 2007 decision. The response includes a copy of the previously submitted declaration in which the name, residence, citizenship, and post office address of the sixth inventor (Takeshi MAEDA) has been added. However, the revised declaration is not acceptable in that it was not re-executed by the inventor (the signature on the declaration is a copy of the inventor's previous signature, dated 24 July 2007). The post-execution modification of a declaration is not permissible. See MPEP section 602.01: "The wording of an oath or declaration cannot be amended, altered or changed in any manner after it has been signed."

Based on the above, applicants have failed to provide a proper response to the previous decision, that is, a revised declaration executed by previously non-signing inventor Toshifumi KOCHI that complies with the requirements of 37 CFR 1.497. As indicated in the previous decision, the failure to provide such a declaration within the one-month response period provided by the previous decision (i.e., on or before 08 January 2008) will result in abandonment of the present application.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria,

Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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